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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/829,237	04/09/2001	Robert W. Tiernay	MBO-139	7589

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EXAMINER	
CHOU, ALBERT T	

ART UNIT	PAPER NUMBER
2662	

DATE MAILED: 11/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/829,237	TIERNAY ET AL.	
	Examiner	Art Unit	
	Albert T. Chou	2662	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *04-09-2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-25* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,4-6,10-13,15,18,19 and 23-25* is/are rejected.

7)☒ Claim(s) *2,3,7-9,14,16,17 and 20-22* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *09 April 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 2.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 4, 5, 6, 10, 11, 12, 13, 15, 18, 19, 23, 24 and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Shloss et al. (US Patent Number: 5,425,032).

Regarding claim 1 and 15, Shloss et al. teach a transponder, as shown in Figures 1 and 2, including an antenna 116 and a transmit/receive switch 130 (means for and steps of receiving a first RF signal according to the communications protocol), a receive detector 106 (means for and steps of identifying the communications protocol from the first RF signal), a protocol logic device 110 (means for and steps of executing the identified communications protocol to generate a second RF signal), a transmit oscillator 108, a transmit power amplifier 142 and a transmit/receive switch 130 (means for and steps of transmitting the second RF signal according to the identified communications protocol).

Regarding claim 4, Shloss et al. (column 5, lines 35-38) teach the radiated energy is received at the antenna 116 and converted to the first RF voltage signal. The first RF voltage signal is presented to a transmit/receive switch 130 (means for and steps of detecting the level of radiated energy of the first FR signal).

Regarding claim 5, Shloss et al. (column 5, lines 46-51) teach that the receive decoder 106 determines its output signal to be a logical one or zero by checking whether the magnitude of the first RF voltage signal exceeds a specified threshold level or not (means for testing the first RF signal).

Regarding claims 6 and 19, Shloss et al. (column 5, lines 42-46) teach that receive detector 106 demodulates the carrier wave of the first RF voltage signal to provide a demodulated baseband split-phase code signal and provides an analog-to-digital conversion (means for and steps of demodulating and converting the first RF signal to a digital signal). Shloss et al. (column 5, lines 52-54) further teach that the demodulated baseband coded signal is then directed to a receive decoder 134 which converts the baseband signal to binary data bits (means for and steps of decoding the digital signal).

Regarding claims 10 and 23, Shloss et al. (Figure 2 and column 6, lines 12-13) teach the protocol logic device 110 is connected with a memory 138. The memory 138 is accessible to protocol logic device 110 for executing the identified

communications protocol (means for and steps of storing digital data in memory accessible to the means of executing the identified communications protocol).

Regarding claims 11, 12 and 13, Shloss et al. teach data stored in the memory 138 can include information such as vehicle type, registration number, etc. (column 6, lines 18-23). Data are formatted in the protocol logic device 110 with a formatting procedure in accordance with the protocol structure (column 6, lines 26-28). Shloss et al. further teach that the data comprise a protocol dependent identity and the unique identification code (reader type and message type in figures 4-6 and column 10, lines 48-51).

Regarding claim 18, Shloss et al. (column 5, lines 35-39) teach the radiated energy is received at the antenna 116 and converted to the first RF voltage signal. The first RF voltage signal is presented to a transmit/receive switch 130 (steps of detecting the level of radiated energy of the first FR signal). Shloss et al. (column 5, lines 46-51) further teach that the receive decoder 106 determines its output signal to be a logical one or zero by checking whether the magnitude of the first RF voltage signal exceeds a specified threshold level or not (means for testing the first RF signal).

Regarding claims 24 and 25, Shloss et al. teach a memory 138 is connected with the protocol logic device 110. The memory 138 is accessible to protocol logic device 110 (Figure 2 and column 6, lines 12-13). The protocol

logic device 110 for executes the protocol structure which controls the timing and decision making logic instructions of the digital link controller 104, column 6 lines 59-61 (steps of storing in memory accessible to the means for executing a protocol identity). Shloss et al. teach data stored in the memory 138 can include information such as vehicle type, registration number, etc. (column 6, lines 18-23). The data are formatted in the protocol logic device 110 with a formatting procedure in accordance with the protocol structure (column 6, lines 26-28). Shloss et al. further teach that the data comprise a protocol dependent identity and the unique identification code (reader type and message type in figures 4-6 and column 10, lines 48-51).

Allowable Subject Matter

3. Claims 2, 3, 7, 8, 9, 16, 17, 20, 21 and 22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Albert T. Chou whose telephone number is 571-272-6045. The examiner can normally be reached on 8:30 - 17:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizoou can be reached on 571-272-3088. The fax phone

number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AC

Albert Chou

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